

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
13-CA-131305

Date Filed
6/20/2014

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

(1) McDonald's / 1657 W. 95th Street, Chicago, IL and (2) McDonald's USA, LLC, joint employers

b. Tel. No. 773-429-1300
800-244-6227

c. Cell No.

f. Fax No.

g. e-Mail

h. Number of workers employed
(1) App. 30 (2) 100,00+

d. Address (Street, city, state, and ZIP code)

(1) 1657 W. 95th Street, Chicago, IL 60643
(2) 2111 McDonald's Drive, Oak Park, IL 60523

e. Employer Representative

i. Type of Establishment (factory, mine, wholesaler, etc.)
Restaurant

j. Identify principal product or service
Fast Food

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

(1) Within the last six months, the joint employers unlawfully interrogated employee (b) (6), (b) (7)(C) regarding (b) (6) union activities, thereby interfering with, restraining, and coercing (b) (6), (b) (7)(C) in the exercise of (b) (6) protected activity.
(2) Within the last six months, the joint employers discriminated against (b) (6), (b) (7)(C) by suspending (b) (6), (b) (7)(C) and reducing (b) (6), (b) (7)(C) work schedule in retaliation for (b) (6), (b) (7)(C) support of the Union and (b) (6), (b) (7)(C) participation in protected, concerted activities, and in an effort to discourage (b) (6), (b) (7)(C) and other employees from supporting the Union and engaging in protected, concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Workers Organizing Committee of Chicago

4a. Address (Street and number, city, state, and ZIP code)

850 W. Jackson, Suite 275
Chicago, IL 60607

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No. (312) 243-4731

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By


(signature of representative or person making charge)

David P. Lichtman, Lawyer

(Print/type name and title or office, if any)

Tel. No. (312) 372-1361

Office, if any, Cell No.

Fax No. (312) 372-6599

e-Mail
dlichtman@dbb-law.com

Address 8 S. Michigan Avenue, 19th Floor Chicago, IL 60603

6-20-14
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

LAW OFFICES
DOWD, BLOCH, BENNETT & CERVONE

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June 20, 2014

VIA HAND DELIVERY

Mr. Peter Sung Ohr
Regional Director
Region 13, National Labor Relations Board
The Rookery Building
209 South LaSalle Street, Suite 900
Chicago, IL 60604

Re: 1657 W. 95th Street McDonald's/McDonald's USA

Dear Mr. Ohr:

Enclosed are an original and one copy of a charge against the above-named joint employers. Will you please have a member of your staff stamp the extra copy with the date of filing and return it to our messenger, and will you also please arrange for my appearance to be entered on behalf of the charging party.

I am aware of the charges and letters that Barry Bennett transmitted to your office yesterday involving 2827 S. Cicero and 5624 W. Roosevelt. I believe the attached charge reflects some of the same concerns and therefore I would suggest, as Barry did, that assigning this matter to Board Agent Prokop may provide for greater efficiency in the investigation. Thank you for your consideration.

Respectfully yours,



David Lichtman

DPL (b) (6), (b) (7)(C)

Enclosures

cc: (b) (6), (b) (7)(C), WOCC (w/encl.) (via e-mail)
(b) (6), (b) (7)(C), WOCC (w/encl.) (via e-mail)

Cases

Case Number	Case Name	File	Date Filed	Status	IA Category	Charging Party/ Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/ Unit State	Charged Party/Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed		
13-CA-131141	McDonald's/4047 E 106th Street and McDonald's USA, LLC, joint employers	Case File	6/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			50		(b) (5), (b) (7)(C)	C	CA	JGREENHI	JGREENHI	KGIANOPU	None				
13-CA-131143	McDonald's/600 N Clark Street and McDonald's USA, joint employers	Case File	6/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			150			C	CA	JGREENHI	JGREENHI	KGIANOPU	None				
13-CA-131145	McDonald's/5220 S Lake Park Avenue and McDonald's USA, LLC, joint employers	Case File	6/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			50			C	CA	JGREENHI	JGREENHI	KGIANOPU	None				
13-CA-131097	McDonald's/2827 C Cicero Avenue, Cicero, IL and (2) McDonald's USA, LLC, joint employers	Case File	6/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Cicero	IL	McDonald's USA, LLC			160,000			C	CA	CORTEGA	CORTEGA	JHOFSTRA	None				
13-CA-131098	McDonald's/5624 W Roosevelt Road and (2) McDonald's USA, LLC, joint employers	Case File	6/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			160,000			C	CA	CORTEGA	CORTEGA	JHOFSTRA	None				
13-CA-129709	McDonald's/29 E 67th Street and (2) McDonald's USA, LLC, joint employers	Case File	5/30/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	100,050			C	CA	JPROKOP	JPROKOP	JHOFSTRA	None				
13-CA-129771	K Mark Enterprises, LLC d/b/a McDonald's and Mc Donald's USA, LLC, named as joint employers	Case File	5/30/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			60			C	CA	JPROKOP	JPROKOP	JHOFSTRA	None				
13-CA-128629	McDonald's/5153 West Chicago Avenue and McDonald's USA, LLC joint employers	Case File	5/13/2014	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			50			C	CA	JPROKOP	JPROKOP	JHOFSTRA	None	Withdrawal Non-adjusted	6/5/2014		
13-CA-126312	(1) Lofton & Lofton Management V, Inc d/b/a McDonald's/23 N Western Avenue and (2) McDonald's USA, LLC, joint employers	Case File	4/10/2014	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			100,000			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	6/12/2014		
13-CA-124993	McDonald's USA, LLC	Case File	3/21/2014	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			60			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	5/2/2014		
13-CA-124812	Karavites Restaurant 5895, Inc d/b/a McDonald's/1004 W Wilson and (2) McDonald's USA, LLC, as joint employers	Case File	3/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			140,000			C	CA	JPROKOP	JPROKOP	RPAZ	None				
13-CA-124813	V Oviedo, Inc d/b/a McDonald's/2702 N Milwaukee and (2) McDonald's USA, LLC, as joint employers	Case File	3/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			100,055			C	CA	JPROKOP	JPROKOP	RPAZ	None				
13-CA-124488	Karavites McDonald's and McDonald's USA, LLC, named as joint employers	Case File	3/14/2014	Closed	2	Workers Organizing Committee of Chicago	No		River Forest	IL	Karavites McDonald's		2	30			C	CA	CSCHLABO	CSCHLABO	KGIANOPU	None	Withdrawal Non-adjusted	5/30/2014		
13-CA-124362	McDonald's/McDonald's Corporation, joint employers	Case File	3/13/2014	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		5	60			C	CA	CSCHLABO	CSCHLABO	KGIANOPU	None	Withdrawal Adjusted	3/25/2014		
13-CA-124213	(1) McDonald's/5211 S Commercial and (2) McDonald's USA, LLC, named as joint employers	Case File	3/11/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		5	50			C	CA	ECORTEZ	ECORTEZ	RPAZ	None				
13-CA-123916	V Oviedo, Inc d/b/a McDonald's/2707 N Milwaukee and McDonald's USA, LLC, joint employers	Case File	3/6/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	50			C	CA	JPROKOP	JPROKOP	RPAZ	None				
13-CA-123699	K Mark Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, named as joint employers	Case File	3/4/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	60			C	CA	JPROKOP	JPROKOP	JHOFSTRA	None				
	McDonald's Restaurants of Illinois,																									

Case Number	Case Name	File	Date Filed	Status	IA Category	Charging Party/ Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/ Unit State	Charged Party/Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Nr
13-CA-121759	Inc d/b/a McDonald's/2005 W Chicago Avenue and McDonald's USA, LLC, named as joint employers	Case File	2/3/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		0	60		(b) (5), (b) (7)(C)	C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-119015	V Oviedo, Inc., d/b/a McDonald's/2707 N Milwaukee and McDonald's Corporation, joint employers	Case File	12/13/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			140,000			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-118689	McDonald's	Case File	12/10/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	K Mark Enterprises, LLC d/b/a McDonald's			60			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	2/5/2014	
13-CA-118690	McDonald's/23 N Western Avenue and McDonald's Corporation, named as joint employers as to the subject of this charge	Case File	12/10/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			100,060			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-118691	McDonald's/2005 W Chicago and McDonald's Corporation, named as joint employers as to the subject of this charge	Case File	12/10/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Restaurants of Illinois, Inc d/b/a McDonald's/2005 W Chicago Avenue			100,060			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-118588	McDonald's	Case File	12/9/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			35			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	2/5/2014	
13-CA-117083	(1) McDonald's Restaurants of Illinois, Inc d/b/a McDonald's/2005 W Chicago Avenue and (2) McDonald's USA, LLC, named as joint employers	Case File	11/14/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	60			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-115647	(1) V Oviedo, Inc d/b/a McDonald's/2707 N Milwaukee and (2) McDonald's Corporation, named as joint employers	Case File	10/25/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			50			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-113821	McDonald's	Case File	9/20/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	35			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	12/30/2013	
13-CA-113837	Wright Management, Inc., d/b/a Rock-N-Roll McDonald's and McDonald's Corporation, joint employers	Case File	9/20/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	150			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-112220	Wright Management, Inc d/b/a Rock-N-Roll McDonald's	Case File	8/28/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			200			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	9/30/2013	
13-CA-112046	Wright Management, Inc d/b/a Rock-N-Roll McDonald's	Case File	8/26/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	200			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	9/30/2013	
13-CA-107668	(1) Wright Management, Inc d/b/a Rock-N-Roll McDonald's (2) McDonald's Corporation, named as joint employers	Case File	6/20/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	200			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-106490	(1) Karavites Restaurants 11102 LLC, d/b/a McDonald's/201 N Clark and (2) McDonald's Corporation, named as joint employers	Case File	6/4/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		2	25			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-	(1) RMC Loop Enterprises, LLC, d/b/a McDonald's/23 S Clark	Case File				Workers Organizing					McDonald's														

(b) (7)(E)

6/23/2014

Case Number	Case Name	File	Date Filed	Status	IA Category	Charging Party/Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/Unit State	Charged Party/Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Nr
106493	and (2) McDonald's Corporation, named as joint employers	File	6/4/2013	Open	2	Committee of Chicago	No		Chicago	IL	USA, LLC			25		(b) (6), (b) (7)(C)	C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-100491	(1) Karavites Restaurants 26, Inc., d/b/a McDonald's/10 E Chicago and (2) McDonald's Corporation, named as joint employers	Case File	6/4/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	30			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-105770	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's	Case File	5/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's		1	50			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/27/2013	
13-CA-103524	Karavites Restaurants 26, Inc d/b/a McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Karavites Restaurants 26, Inc. d/b/a McDonald's			30			C	CA	JPROKOP	JPROKOP	PHITTERM	Organizational Campaign	Withdrawal Non-adjusted	6/6/2013	
13-CA-103525	RMC Loop Enterprises, LLC d/b/a McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	RMC Loop Enterprises LLC d/b/a McDonald's			25			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/6/2013	
13-CA-103612	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's			75			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/23/2013	
13-CA-103617	Karavites Restaurants 11102, LLC d/b/a McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Karavites Restaurants 11102, LLC d/b/a McDonald's			25			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/6/2013	
13-CA-100471	McDonald's Corporation	Case File	3/15/2013	Closed	3	(b) (6), (b) (7)(C)	No		Hammond	IN	MCDONALD'S CORPORATION			60			C	CA	DFLATTE	DFLATTE	RPAZ	None	Withdrawal Non-adjusted	5/1/2013	

(b) (7)(E)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website:
www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

June 23, 2014

McDonald's
1657 W. 95th Street
Chicago, IL 60643

Re: McDonald's/1657 W. 95th Street, Chicago, IL
and McDonald's USA, LLC, joint employers
Case 13-CA-131305

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JANA C. PROKOP whose telephone number is (312)353-8613 and whose e-mail address is jana.prokop@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner JOYCE A. HOFSTRA whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by July 4, 2014. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

McDonald's/1657 W. 95th Street, Chicago, - 2 - June 23, 2014
IL and McDonald's USA, LLC, joint
employers
Case 13-CA-131305

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL N. NELSON

DANIEL N. NELSON
Acting Regional Director

bz

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: McDonald's Corporation
2111 McDonald's Drive
Oak Brook, IL 60523

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's/1657 W. 95th Street, Chicago, IL and McDonald's USA, LLC, joint employers

CASE NUMBER

13-CA-131305

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7. A. PRINCIPAL LOCATION:

B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**MCDONALD'S/1657 W. 95TH STREET,
CHICAGO, IL AND MCDONALD'S USA, LLC,
JOINT EMPLOYERS**

Charged Party

and

**WORKERS ORGANIZING COMMITTEE OF
CHICAGO**

Charging Party

Case 13-CA-131305

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 23, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's
1657 W. 95th Street
Chicago, IL 60643

McDonald's Corporation
2111 McDonald's Drive
Oak Brook, IL 60523

June 23, 2014

Date

Brendan Zarling, Designated Agent of
NLRB

Name

Brendan Zarling

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

June 23, 2014

Workers Organizing Committee of Chicago
850 W Jackson
Ste 275
Chicago, IL 60607

Re: McDonald's/1657 W. 95th Street, Chicago,
IL and McDonald's USA, LLC, joint
employers
Case 13-CA-131305

Dear Sir or Madam:

The charge that you filed in this case on June 20, 2014 has been docketed as case number 13-CA-131305. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JANA C. PROKOP whose telephone number is (312)353-8613 and whose e-mail address is jana.prokop@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner JOYCE A. HOFSTRA whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

McDonald's/1657 W. 95th Street, Chicago, - 2 - June 23, 2014
IL and McDonald's USA, LLC, joint
employers
Case 13-CA-131305

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL N. NELSON

DANIEL N. NELSON
Acting Regional Director

bz

Enclosures:

cc: David P. Lichtman, Attorney
Dowd, Bloch & Bennett
8 S Michigan Ave Fl 19
Chicago, IL 60603-3357

From: [Galliano, Elizabeth](#)
To: ckim@jonesday.com
Cc: [Prokop, Jana C.](#)
Subject: Charge 13-CA-131305
Date: Wednesday, June 25, 2014 10:46:05 AM
Attachments: [CHG.13-CA-131305.McDonalds.pdf](#)

Ms. Kim,

Attached is a copy of the charge that you requested this morning.

Elizabeth Galliano

National Labor Relations Board
Region 13
209 S. LaSalle Street, 9th Floor
Chicago, Illinois 60604
(T) 312-353-7610
(F) 312-886-1341

From: [Prokop, Jana C.](#)
To: ["Andrew Madsen"](#)
Subject: current McD's charges
Date: Tuesday, July 1, 2014 3:03:00 PM

Other new McDonald's charges I have under investigation are all franchise charges alleging the corporation as joint employer:

13-CA-131305 for the facility at 1657 W 95th Street in Chicago (interrogation/suspension/reduction of hours of an employee).

13-CA-129709 for the facility at 29 E 87th Street in Chicago (discipline/reduction of hours of employees). I anticipate that this one will allege the statement at the bottom of employee schedules at some point or a new charge filed.

13-CA-129771 for the facility at 70 E Garfield in Chicago (language at the bottom of employee schedules).

Please provide a position statement on the joint employer issue in the above charges by July 15, 2014. Thanks!

Jana Prokop
Field Examiner
National Labor Relations Board, Region 13
209 S LaSalle Street - Suite 900
Chicago, IL 60604
312-353-8613 (p) | 312-886-1341 (f)
<http://www.nlr.gov>

From: [David Lichtman](#)
To: [Prokop, Jana C.](#)
Subject: Re: WOCC and McDonalds (b) (6), (b) (7)(C) ULP) -13-ca-131305
Date: Tuesday, July 1, 2014 6:03:26 PM

Jana,

Thank you for the dates. I'll be in touch shortly.

On Tue, Jul 1, 2014 at 11:42 AM, Prokop, Jana C. <Jana.Prokop@nlrb.gov> wrote:

Hi David – Sorry I didn't respond yesterday. I was working on a compliance case so didn't get the chance to follow up with any e-mails. I'm booked this week as I'm off tomorrow and I'm working on another case on Thursday. Friday is a holiday. Next week, Monday I am in the office and available after 1245pm. Tuesday I'm available anytime and I'm planning to be in the office. Thursday I'm working from home, but I'm available that day to meet someone in the field, and Friday I'm planning to be in the office but available all day. Any of those days I'm available to take a field affidavit, but if it's Thursday, my preference is to do a field affidavit as it is a work at home day for me. Let me know when (b) (6), (b) (7)(C) is available. Thanks!

Jana Prokop

Field Examiner

National Labor Relations Board, Region 13

209 S LaSalle Street - Suite 900

Chicago, IL 60604

[312-353-8613](tel:312-353-8613) (p) | [312-886-1341](tel:312-886-1341) (f)

<http://www.nlrb.gov>

From: David Lichtman [mailto:dlichtman@dbb-law.com]
Sent: Monday, June 30, 2014 10:44 AM
To: Prokop, Jana C.
Subject: WOCC and McDonalds (b) (6), (b) (7)(C) ULP) -13-ca-131305

Jana,

I see that you were assigned to the above charge. Do you want to send me some dates on which you're available to take (b) (6), (b) (7)(C) statement?

David

--

DAVID P. LICHTMAN
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone [312.372.1361](tel:312.372.1361) | Fax [312.372.6599](tel:312.372.6599)

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DAVID P. LICHTMAN
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone 312.372.1361 | Fax 312.372.6599

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Field Examiner J. Prokop's Contact Log

Case Number *13-CA-131305*

Current Date *Time* *Who/what?*

Thursday, July 10, 2014 9:00 AM VM to David Lichtman

(b) (5)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

July 15, 2014

Doreen S. Davis, Attorney
Jones Day
222 East 41st Street, 2nd Floor
New York, NY 10017-6702

Re: McDonald's/1657 W. 95th Street, Chicago,
IL and McDonald's USA, LLC, joint
employers
Case 13-CA-131305

Dear Ms. Davis:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

PETER SUNG OHR
Regional Director

cc: David P. Lichtman, Attorney
Dowd, Bloch & Bennett
8 S Michigan Ave Fl 19
Chicago, IL 60603-3357

Workers Organizing
Committee of Chicago
850 W Jackson
Ste 275
Chicago, IL 60607

McDonald's
1657 W. 95th Street
Chicago, IL 60643

McDonald's Corporation
2111 McDonald's Drive
Oak Brook, IL 60523

McDonald's/1657 W. 95th Street, Chicago,
IL and McDonald's USA, LLC, joint
employers
Case 13-CA-131305

- 2 -

July 15, 2014

Jonathan M Linas, Esq., Attorney
Jones Day
77 W Wacker Dr. Ste 3500
Chicago, IL 60601-1692

Andrew G. Madsen, Attorney
Jones Day
77 W. Wacker Drive, Suite 3500
Chicago, IL 60601-1701